

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

STEVEN HEATH,

Civil No. 08-6055 (JRT/JJG)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

TRAVELERS COMPANIES, INC.,

Defendant.

Daniel Le, **DAN LE & ASSOCIATES**, 333 Washington Avenue North, Suite 202, Minneapolis, MN 55401, for plaintiff.

Andrew Voss and Reagan Oden, **LITTLER MENDELSON, PC**, 80 South Eighth Street, Suite 1300, Minneapolis, MN 55402, for defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham, dated May 18, 2009, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that the Defendant's Amended Motion to Dismiss or, in the Alternative, to Stay Proceedings and Compel Arbitration [Docket No. 9] is **GRANTED** as to a stay of proceedings and compelled arbitration and **DENIED** as to dismissal.

Dated: July 1, 2009
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge